

**United States District Court**

**for the**

**Eastern District of Washington**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Kevin Lee McDaniel

Case Number: 2:98CR00035-RMP-1

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Rosanna Malouf Peterson, Chief U.S. District Judge

Date of Original Sentence: September 22, 1998

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of Firearm, 18  
U.S.C. § 924(e)

Date Supervision Commenced: July 19, 2011

Original Sentence: Prison - 180 months  
TSR - 60 months

Date Supervision Expires: July 18, 2016

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 17 You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

**CAUSE**

On October 13, 2014, Kevin McDaniel entered into an intensive inpatient program at Spokane Addiction Recovery Center (SPARC), after being unsuccessfully discharged from the Sunray Court intensive inpatient program on September 25, 2014. Mr. McDaniel completed the intensive inpatient program at SPARC and was successfully discharged on November 10, 2014. Mr. McDaniel is scheduled to appear before Your Honor for a supervised release status hearing on December 5, 2014.

Once again Kevin McDaniel has violated the conditions of his supervised release. On November 20, 2014, Mr. McDaniel submitted a urine sample at Adept that tested positive for marijuana metabolites. Initially, while at Adept, the offender denied use of any illicit drugs, but eventually admitted use to the undersigned officer on November 24, 2014. An admission form was signed by Mr. McDaniel on November 24, 2014, confirming the use of marijuana on November 17, 2014. In addition, Mr. McDaniel failed to report to Adept and submit to a required urinalysis test on November 24, 2014.

**U.S. Probation Officer Action:**

As an intermediate sanction, Kevin McDaniel was verbally reprimanded and directed to abstain from the use of controlled substances. Random urinalysis testing will continue throughout supervision. It should be noted, if continued under supervision, Kevin McDaniel is scheduled to begin participation in the Sobriety Treatment & Education Program (STEP) on December 18, 2014.

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It is hoped that the above-referenced modification meets with the expectations of the Court. Please advise should Your Honor require a different course of action before the supervised release violation hearing on December 5, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

by s/Tommy Rosser

Tommy Rosser  
U.S. Probation Officer  
Date: November 26, 2014

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THE COURT ORDERS

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



Signature of Judicial Officer

11/27/14

Date